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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,475	12/23/2003	Thomas L. Adams	P24334	8046
7055 7590 11/02/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER HO, ANDY	
			ART UNIT 2194	PAPER NUMBER
			NOTIFICATION DATE 11/02/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

## Office Action Summary

Application No.

10/743,475

Applicant(s)

ADAMS ET AL.

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the application filed 12/23/2003.
2. Claims 2-22 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 2-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to define the metes and bounds of an invention comprised of software alone without claiming associated computer hardware required for execution. Software alone, without a machine, is incapable of transforming any physical subject matter by chemical, electrical, or mechanical acts.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen U.S Patent No. 5,704,041:

**As to claim 2**, Allen teaches (Figs. 1A, 5 and associated specification) a system comprising: a hierarchy of managed objects, each managed object having input states, output states and a defined logical relation among the input states and the output states, managed objects having output states that form the input states of other managed objects comprising state information servers, and managed objects having input states that are formed by output states of other managed objects comprising state information clients; a state distributor system that identifies state information clients registered for an output state change and that notifies the identified state information clients of the output state change; a registry that registers at least one specified managed object with the state distributor system so that the at least one specified managed object will receive at least one specified output state as an input state, the one or more specified managed objects thereby each becoming a state information client; and a response system that responds to a change in an output state of a managed object and sends a transition indicating the output state change to the state distributor system.

**As to claim 3**, Allen further teaches (Fig. 5 and associated specification) wherein managed objects which comprise state information servers need not have information concerning all state information clients that are registered to receive their output states, and wherein the hierarchy of managed objects may thus be easily modified.

**As to claim 4**, Allen further teaches (Fig. 2 and associated specification) wherein the state distributor system provides the ability to register bound variables interested in a state, the bound variables being able to take on as a value any of a large set of supported types.

**As to claim 5**, Allen further teaches (Fig. 2 and associated specification) wherein the large set of supported types includes basic types, instances of other classes, and lists of basic types or objects.

**As to claim 6**, Allen further teaches (Fig. 2 and associated specification) wherein a state may be represented by a bound variable, which can have a value comprising a basic type, an instance of another class, and a list of basic types or objects.

**As to claim 7**, Allen further teaches (Fig. 2 and associated specification) in which each managed object further registers with the state distributor system the functions the managed object can perform.

**As to claim 8**, Allen teaches (Figs. 1A, 5 and associated specification) a system comprising: a hierarchy of managed objects, each managed object having input states, output states, and a defined logical relation among the input states and the output states, the output state of at least one managed object being an input state of at least one other managed object; a development system that creates a managed object using a first high level programming language, by specifying input states of the managed object, output states of the managed object, and a logical relation between the output states and input states for the managed object; a first compiler that compiles managed objects specified in the first high level programming language into code represented in a

second high level programming language; and a second compiler that compiles the code represented in the second high level programming language into lower level code; thereby allowing a developer to create managed objects using the first high level programming language so that the developer may concentrate on defining the logic between input and output states.

**As to claim 9**, Allen further teaches (Fig. 2 and associated specification) wherein the lower level code comprises executable machine code.

**As to claim 10**, Allen teaches (Figs. 1A, 5 and associated specification) a system comprising: a hierarchy of managed objects, each managed object having input states, output states, and a defined logical relation among the input states and the output states; a template defining system that defines a plurality of object templates, each defined object template having a list of functions the object can perform, and a defined logical relation among input states and output states, each defined object template representing a basic structure to be utilized in creating transient objects; and a parent managed object that instantiates one or more transient objects at run time of the OAM&P system as a function of the types and amount of each type of resources used by the platform.

**As to claim 11**, Allen further teaches (Figs. 1A-1B and associated specification) wherein each transient object is dynamically created to correspond to a hardware environment of the platform.

**As to claim 12**, Allen further teaches (Fig. 2 and associated specification) each managed object registers the functions the managed object can perform.

**As to claims 13-22**, they are method claims of claims 2-4 and 6-12, respectively. Therefore, they are rejected for the same reasons as claims 2-4 and 6-12 above.

### ***Response to Arguments***

4. Applicant's arguments filed 8/1/2007 have been fully considered and they are persuasive. Therefore, the Restriction Requirement is withdrawn and claims 2-22 are being examined.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450.

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 - 3762

A.H  
October 26, 2007

